

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

STONEY LEE SCHAEFFER)
Plaintiff,) Civil Action No. 10-120
v.)
PATRICK T. KINIRY, District Attorney;) District Judge Kim R. Gibson
KAREN FUGINI, Chief County Detective;)
and KELLY CALLIHAN, District Attorney)
Defendants.)

ORDER

The above captioned case was initiated on May 6, 2010, by the filing of a Motion to Proceed In Forma Pauperis (doc. no. 1) accompanied by a Complaint. The case was referred to Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rule 72.C.2 of the Local Rules.

The Magistrate Judge's Report and Recommendation (doc. no. 2), filed on May 7, 2010, recommended that Plaintiff's Motion to Proceed In Forma Pauperis (doc. no. 1) be denied in accordance with 28 U.S.C. § 1915(g) and that this action be dismissed for Plaintiff's failure to pay the filing fee, with the right of Plaintiff to reopen by paying the full \$350.00 filing fee within sixty (60) days. Plaintiff filed Objections on May 20, 2010 (doc. no. 3). After a *de novo* review of the pleadings and documents in the case, together with the report and recommendation and the objections thereto, the following order is entered:

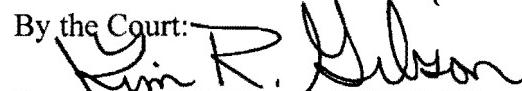
AND NOW, this 27th day of May, 2010;

IT IS HEREBY ORDERED that Plaintiff's Motion to Proceed In Forma Pauperis (doc. no. 1) is **DENIED** in accordance with 28 U.S.C. § 1915(g) and this action is **DISMISSED** for Plaintiff's failure to pay the filing fee. Plaintiff may reopen this case by paying the full \$350.00 filing fee within sixty (60) days.

IT IS FURTHER ORDERED that the Report and Recommendation (doc. no. 2) of Magistrate Judge Lenihan, dated May 7, 2010, is adopted as the Opinion of the Court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**. Pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure if he so desires.

By the Court:



Kim R. Gibson

United States District Judge

Stoney Lee Schaeffer
DW-8560
SCI Cresson
P.O. Box A
Cresson, PA 16699-0001